

MARYLAND GAZETTE.

T H U R S D A Y, F E B R U A R Y 24, 1803.

Laws of Maryland.

PASSED NOVEMBER SESSION, 1802.

An ACT to incorporate certain persons in every christian church or congregation in this state.

WHEREAS petitions from many religious societies have annually been preferred to this legislature, and many are now before them, praying acts of incorporation, and it is reasonable and proper that all denominations of christians within this state, whose members conduct themselves in a peaceable and orderly manner, should receive and enjoy equal rights and privileges, without partiality, preference or distinction, in all things concerning the temporalities and government of their churches, congregations and societies: And whereas also it is necessary to their welfare that they should be empowered to hold and acquire certain portions of property in a corporate or congregational capacity, and enter into various engagements of a civil or temporal nature, which can only be done by authority of the general assembly, which assistance may nevertheless be rightfully granted without disturbing private opinions, or affecting the rights of judgment in matters of religion, or imposing an involuntary burthen on any person whatsoever: And whereas it is most convenient to make provisions for their respective situations by a general law, which shall reach their several exigencies in affairs of a temporal or civil nature, as far as a difference of circumstances will admit; the general assembly having therefore taken the premises into serious consideration, and conceiving themselves indispensably bound to secure and preserve the same equality of rights, privileges and advantages, to all quiet and inoffensive christian societies in this state, without any exception, whereby religion may be encouraged and diffused, and peace, order and universal tranquillity prevail, have agreed to enact,

And be it enacted, That in every christian church, or society or congregation, of whatsoever sect, order or denomination, now known, or which shall at any time hereafter be known and acknowledged in this state, and protected in the free and full exercise of their religion by the constitution and laws of the same, there shall be and remain sufficient power and authority in all the male persons above twenty-one years of age belonging to any such church, society or congregation, to elect at their discretion, certain sober and discreet persons, not less than five or more than thirteen, which persons so elected, shall be and are hereby constituted a body politic or corporate, upon being registered as herein after directed, to act as trustees, in the name and behalf of the particular church, society or congregation, for which they are respectively chosen, and to manage the estate, property, interest and inheritance of the same, in the most upright and careful manner, and shall moreover have perpetual succession in law, fact and name, as herein after prescribed, and shall, by their name of incorporation, have full power and lawful authority to sue and to be sued, to implead and to be impleaded, to answer and to be answered unto, in any court or courts of law or equity within this state, before any judge or judges, justice or justices, in all manner of suits and pleas whatever, and of what nature or kind soever such suits, pleas or actions may be, in as full and effectual a manner as any other person or persons, bodies politic or corporate, may or can do.

And be it enacted, That every such body politic shall be chosen, and the succession kept up, at such times and places as are ordinarily used for public meetings of the said church, society or congregation, and by such persons as are allowed to have a voice in the management and direction of congregational or temporal concerns, according to the known custom and usage of their respective denominations; or the said body politic or corporate shall be chosen, and the succession kept up, according to the rules, regulations and practice, that may have been heretofore adopted and used, or that shall be at the first of election adopted and agreed upon, by any particular church, society or congregation, for ordering, directing or managing, their congregational or temporal concerns; provided always, that every trustee or member of any corporation aforesaid shall be of the same religious sect or denomination with the church, society or congregation, by which he is chosen to this trust; and provided also, that the minister for the time being, or senior or minister where there are more than one settled in any church, society or congregation, shall always, in virtue of his ministry, be a member of the body politic or corporate belonging to the same, exclusive of the number heretofore prescribed.

And be it enacted, That in case any debate shall arise in any church, society or congregation, about the right of voting, or whether the election aforesaid hath been fairly conducted, agreeably to the true intent and meaning of this act, the parties contending shall each of them choose one discreet and reputable person from amongst the members or trustees of some neighbouring church, society or congregation, of the same religious persuasion, if any such there be, and if none such; then of any other christian society, which two persons shall choose a third, qualified in like manner, and the said three persons shall meet at the place where the difference has arisen, and hear and determine upon the matter, and their judgment or award, or the judgment or award of a majority of them, certified under their hands and seals to the contending parties, shall be final.

And be it enacted, That at the first election or appointment of every body politic or corporate aforesaid, every church, society or congregation, assembled as already directed, shall determine and fix on their plan, agreement or regulation, mentioning and specifying distinctly the time and manner of electing trustees, and the manner in which the succession shall be perpetuated, and containing an exact description of the qualifications of the persons severally electing and elected, and to elect and to be elected thereafter, and also the name, style or title, of the corporation; by which it shall be hereafter called, distinguished and known, and the name of the church, society or congregation, choosing the same, which said plan, agreement or regulation, shall be entered in the book herein after directed, to be kept by every the said body politic, or corporate, and the

same shall be acknowledged by the said trustees, or a majority of them, before, and certified by, any two justices of the peace for the county in which the said church, society or congregation, or the greatest number of them, shall reside, or the same shall be acknowledged before, and certified by, one of the judges of the general court, after being well assured by the said trustees, or a majority of them, that the proceedings have been legally and duly conducted; and the said plan or agreement, so acknowledged and certified, shall be filed by the said trustees with the clerk of the county court where the said church, society or congregation, or the greater part of them, shall reside, within six months after such acknowledgment shall be made, and the same shall be recorded in a book to be provided for these special purposes, at the expense of the several corporations in that county whose proceedings shall be so recorded, and a copy of the said proceedings from the records thereof, under the hand of the clerk, and the public seal of his office, shall be of the same force and effect, in every court of law and equity within this state, as the original proceedings could be if the same were produced in court; and if any future change or alteration shall be made in the original plan, by authority of the congregation as aforesaid, such change or alteration shall in the same manner be made known and recorded; and the said clerk shall be entitled to such fees for his services as are allowed by law for services of the like nature in matters belonging to his office.

And be it enacted, That every corporation or body politic aforesaid respectively, and their successors, or the majority of them, by their name of incorporation aforesaid, shall have full power and authority to hold and use one common seal, to appoint the times and places of their meetings, and the number necessary to constitute a quorum, and shall moreover provide and keep a good and sufficient record book, and cause to be therein registered a fair account of all their proceedings, subject at all times to the inspection of the several members of the church, society or congregation, in whose behalf the same are respectively entered, and the same shall be laid before a public meeting, when thereunto required by any five or more of the same; and the said trustees, or a majority of them, shall have full power and authority to frame such rules and ordinances for conducting their concerns as may be necessary and convenient for accomplishing the end of their institution; provided always, that nothing therein contained shall be repugnant to, but perfectly consistent with, the constitution and laws of this state.

And be it enacted, That all and every of the said corporations or trustees, and their successors, by their respective names or titles, shall be vested with an estate in fee-simple in any land or parcel of ground not exceeding two acres, and also in every chapel, meeting-house, or other house of worship belonging to, or in the use of, the particular church, society or congregation, for which they are respectively chosen as a body politic or corporate, and shall also, by their respective names or titles, have absolute property in all books, plate or other ornaments, and all goods and chattels, belonging to the said church, society or congregation; whether the same have been given, granted or devised, directly to the said church, society or congregation, or to any person in trust for them; provided, that the person or persons holding lands, or goods and chattels, in trust for any particular church or society as aforesaid, shall voluntarily make over, by indenture proper for that purpose, to the trustees or body corporate of such particular church or society, such lands or chattels, for the use and benefit of such church, society or congregation.

And be it enacted, That all and every the said corporation or trustees, established or to be established in virtue of this act, and their successors, shall be capable in law to purchase and hold, in fee-simple, a quantity of land, not exceeding two acres for the use of any one church, society or congregation, by gift or grant of any person or persons, or bodies politic, capable in law to make the same; provided such gift or grant be made by indenture, duly executed and recorded agreeably to law, and in no other manner whatever; and also that every the said body corporate, and their successors, or a majority of them, severally, by their respective names, may take and receive any sum or sums of money, any kind, manner or portion, of goods and chattels, that shall be sold or given to them as aforesaid by any person or persons, bodies politic or corporate, capable in law to make a gift or sale thereof, and employ the same for the benefit and use of the particular church, society or congregation, whereunto they respectively belong, as a body politic or corporate; provided, that all and every gift, grant, bargain, sale, or deed of transfer, made by any person or persons, and not intended to take effect and vest in any religious body or corporation during the life of the giver, grantor or seller, but to become their right and property after his, her or their decease, shall be utterly null, void, and of no effect; and provided also, that the clear yearly value of the estates, rents, annuities, or other hereditaments, of any church, society or congregation, thus incorporated, shall not amount to more than the clear yearly value of two thousand dollars, and all gifts, grants, sales and transfers, to any the said corporations, or their successors, after the clear yearly value of their estates shall amount to two thousand dollars, and all bargains and purchases to be made by any of them, which may increase the yearly value of the said estates above and beyond the standard here fixed, shall be utterly null, void, and of no effect.

And be it enacted, That the limitations in point of annual value aforesaid shall not be understood to affect the estate, property, interest or inheritance, or the income arising therefrom, which any christian church, congregation or society may be in possession of at the time of passing this act.

And, whereas it is necessary for the greater effect of the preaching of the gospel, that men should be permitted to employ and sit under the teaching of those whom they find or esteem most capable of instructing them, and enforcing the precepts of religious truth, in whose character and faithfulness they have most confidence; therefore, be it enacted, That where any number of persons belonging to any church or congregation sufficient to build a church or a house of worship, and to maintain a minister, shall

choose to separate from the church or congregation of which they have hitherto been a part, and to erect a house of worship, and employ a minister for themselves, it shall be lawful for them so to do, and they shall, by their respective name or style, be entitled to all the benefits of this act as aforesaid, any thing in this act for the establishment of vestries for each parish in this state to the contrary notwithstanding, provided only, that all arrears, debts and engagements, contracted, due, or becoming due, while members of the former society; shall be punctually and faithfully discharged.

And be it enacted, That so much of the act for the establishment of vestries for each parish in this state as confers the powers of civil officers of the peace upon churchwardens, be and the same are hereby declared null and void.

And be it enacted, That this act shall not repeal any part of the act for the establishment of vestries for each parish in this state, except so far as the same is inconsistent with the tenth and eleventh sections of this act.

And be it enacted, That nothing herein contained shall be construed, adjudged or taken, to abridge or affect the rights of conscience or private judgment, or in the least to alter or change the religious constitution or government of any church, congregation or society, so far as respects, or in anywise concerns, doctrine, discipline or worship.

NEW-YORK, February 14.

Yesterday arrived here the fast sailing new ship Delaware, after a passage of only 36 days from New York. To captain Beebe and a respectable mercantile house of this city, we are indebted for London papers to the 2d, and Glasgow papers to the 5th of January. These papers mention, that

Accounts from Alexandria, of the date of September 20, states that war still continues to be carried on between the Turks and Mamelukes in Egypt. Both parties having had several severe skirmishes. During the cessation of arms for some days the Turks formed the design of surprising the camp of the Mamelukes by night, and putting every man of them to the sword. The Mamelukes being apprised of the plan, and on the night of treachery, arriving, silently retired from the camp and formed an ambuscade. When the Turks arrived, and found the camp deserted, they proceeded to plunder. During this scene of disorder and confusion, they were attacked by the Mamelukes, and not a soul of them escaped. There was not twenty of the assailants killed. The Turks acknowledged the loss of 2000, but it appears to have fallen short of the real number. The British still kept possession of Alexandria, and it was uncertain whether it would be evacuated very soon.

The late earthquake appears to have extended over the greatest part of the Turkish empire.

At Algiers, on the 7th November, the shock of an earthquake was so violent at that place, that the people for more than 40 seconds, expected every moment to be buried under the ruins of their houses. Several houses have been damaged, and most of the houses rent. A village, six leagues from Algiers, containing 200 houses, was destroyed, and all the inhabitants perished. Two English ships of the line felt the shock in a violent degree, at the distance of 30 miles from land.

At Constantinople, only a few houses in the suburbs of Pera have been injured.

Malta, it appears, is still to be retained by the English. It is said that 6000 troops will be stationed at that place.

A private letter from Paris mentions, that a new expedition of not less than 20,000 men is about to be sent from France to St. Domingo. Another letter mentions, that 4000 soldiers, of the most abandoned description, are ordered to embark at Havre for St. Domingo. Which implies that the regular troops are not willing to go on the service, or the government is unwilling to throw them away.

Under the head of Paris, Dec. 11, we find the following:—“We are assured that the duchies of Parma and Placentia will be united to the kingdom of Etruria, if Spain will consent to cede Florida to France. Should this not take place, they will be given to the Italian republic.”

February 15:

Captain Haley, in twelve days from Cape-Francois, informs us, that the blacks were completely subdued, and all was tranquil. That a week before he sailed, two French 74 gun ships, having on board 1500 troops, arrived from Toulon. That a fleet of 15 sail was hourly expected. That it was healthy at the Cape. That four ships of war sailed the day of the Sophia's departure; one of 80 guns, with admiral La Touche and gens Rochambeau on board, for Cape Nicholas-Moale; one for France and the other two for Port-au-Prince. And that American privateers